

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

SHIELDMARK, INC. )  
 )  
 PLAINTIFF ) CASE NO.: 1:13-CV-00572  
 )  
 V. ) JUDGE DONALD C. NUGENT  
 )  
 )  
 INSITE SOLUTIONS, LLC. )  
 )  
 )  
 DEFENDANT )

**DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT OF NON-INFRINGEMENT**

Now comes Defendant InSite Solutions, LLC (“InSite”) and, in view of this Court’s Memorandum Opinion and Order (Doc. 54) construing the claims of the patent-in-suit in companion case 1:12-cv-00223-DCN, moves this Court for a summary judgment of non-infringement, disposing of this action.<sup>1</sup> As a consequence of that “*Markman* ruling” in the companion case, there is no genuine dispute as to any material fact here, and InSite is entitled to judgment as a matter of law on its affirmative defense of non-infringement.

Respectfully submitted,

/s/Ray L. Weber

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<sup>1</sup> A similar Motion for Summary Judgment of Non-Infringement is pending in the companion case. See Docs. 58, 59, 72 and 76 therein.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 2013, the foregoing Defendant's Motion for Summary Judgment of Non-Infringement was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

*/s/Ray L. Weber*